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SUPREME COURT OF THE UNITED STATES.

_____ TERM, 1906.

No. 215.

Office Supreme Court U.S.
FILED
MAR 5 1906

THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY,

Appellant,

v.

F. C. BABCOCK, AS TREASURER OF ADAMS COUNTY, NEBRASKA, ET AL.,

Appellees.

MOTION TO ADVANCE.

Attorney General, Solicitor for Appellees.

Solicitor for Appellant.

STATE JOURNAL CO., Legal Blank Book Manufacturers and Printers, Lincoln, Neb.

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CHICAGO, BURLINGTON & QUINCY RAILWAY COMPANY,
Appellant,
v.
F. C. BABCOCK, AS TREASURER OF ADAMS COUNTY, NEBRASKA, ET AL.,
Appellees.

MOTION TO ADVANCE.

Come now F. C. Babcock, as Treasurer of Adams County, Nebraska; Charles W. Brennan, as Treasurer of Box Butte County, Nebraska; J. C. Perry, as Treasurer of Butler County, Nebraska; William D. Wheeler, as Treasurer of Cass County, Nebraska; A. K. Greenlee, as Treasurer of Cheyenne County, Nebraska; F. T. Swanson, as Treasurer of Clay County, Nebraska; W. A. George, as Treasurer of Custer County, Nebraska; W. T. Wilson, as Treasurer of Dawes County, Nebraska; C. C. Barr, as Treasurer of Dundy County, Nebraska; E. J. Dempster, as Treasarer of Fillmore County, Nebraska; C. C. Brown, as Treasurer of Franklin County, Nebraska; E. P. Pyle, as Treasurer of Frontier County, Nebraska; B. F. Moore, as Treasurer of Furnas County, Nebraska; W. W. Wright, as Treasurer of Gage County, Nebraska; C. T. Weekes, as

Treasurer of Greeley County, Nebraska; J. B. Cunningham, as Treasurer of Hamilton County, Nebraska; J. P. Wertz, as Treasurer of Hitchcock County, Nebraska; F. S. Albright, as Treasurer of Hooker County, Nebraska; C. E. Taylor, as Treasurer of Howard County, Nebraska; S. R. Merrell, as Treasurer of Jefferson County, Nebraska; William W. Wheatley, as Treasurer of Johnson County, Nebraska; Rollin Orcutt, as Treasurer of Kearney County, Nebraska; Benjamin F. Knight, as Treasurer of Lancaster County, Nebraska; E. S. Davis, as Treasurer of Lincoln County, Nebraska; D. J. A. Dirks, as Treasurer of Nemaha County, Nebraska; C. C. Dudley, as Treasurer of Nuckolls County, Nebraska; R. W. Kelly, as Treasurer of Otoe County, Nebraska; O. H. Loch, as Treasurer of Pawnee County, Nebraska; C. L. Granlund, as Treasurer of Phelps County, Nebraska; E. H. Sexson, as Treasurer of Perkins County, Nebraska; B. G. Gossard, as Treasurer of Red Willow County, Nebraska; Martin Zook, as Treasurer of Richardson County, Nebraska; C. E. Bowlby, as Treasurer of Saline County, Nebraska; J. A. Brown, as Treasurer of Harlan County, Nebraska; Oscar Hanson, as Treasurer of Saunders County, Nebraska; Thomas Preston, as Treasurer of Scotts Bluff County, Nebraska; L. F. Schultz, as Treasurer of Seward County, Nebraska; Lee Fritz, as Treasurer of Sheridan County, Nebraska; S. N. Sweetland, as Treasurer of Sherman County, Nebraska; J. A. Bothwell, as Treasurer of Thayer County, Nebraska; Chris Fritz, as Treasurer of Thomas County, Nebraska; G. R. McCrary, as Treasurer of Webster County, Nebraska; R. Henderson, as Treasurer of York County, Nebraska, appellees, and show to the Court:

1. That appellant is a corporation owning, controlling, and operating a railway system through the state of Nebraska and ten adjoining states, having a mileage in the state of Nebraska of more than 2,600 miles. That said

cause was instituted by appellant to restrain the appellees, who are county treasurers charged by law with the collection of all taxes, from collecting from appellant the taxes assessed and levied against it for the year 1904 in the sum of $216,000. That on the bill of complaint duly filed in the Circuit Court of the United States for the District of Nebraska said Honorable Court granted a temporary injunction, as prayed in said bill. That on the final submission of said cause to said Court, the temporary writ of injunction was dissolved and the bill of complaint dismissed; from which judgment appeal was taken to this Court, and a supersedeas bond was allowed, filed and approved by said Circuit Court, and is now in force.

2. That about $30,000 of said sum is due the state of Nebraska for state taxes.

3. That about $70,000 of said sum is due the several counties of which the appellees are the county treasurers for county taxes.

4. That the remainder of said sum, viz., $116,000, is due the several school districts through which the railway lines of the appellant company run.

5. That a large number of the school districts referred to are and have been for the past six months without funds to maintain the public schools located therein, and on that account have been compelled to close the schools. That in the other school districts there is great embarrassment resulting from the non-payment of the taxes due said districts and enjoined in this action.

6. That the state, county, and school governments are in immediate need of said funds for governmental purposes, and that a further delay in the collection of said taxes would work great public injury.

WHEREFORE said appellees move the Court for an order advancing said cause for submission to this Honorable Court.

Norris Brown

Attorney General, Solicitor for Appellees.

M. F. Stanley
Of counsel.

Notice of the foregoing motion, and that it will be presented ~~February 26,~~ March 26, 1906, or as soon thereafter as counsel for appellees can be heard, is hereby accepted on behalf of appellant.

Solicitor for Appellant.

OMAHA, NEBRASKA, February ....., 1906.